

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

<b>HOMTEX, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Civil Action No. CV-11-S-1349-NE</b>
	)	
<b>LEGGETT &amp; PLATT, INC., and</b>	)	
<b>STS LINENS, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER OF DISMISSAL**

This case is before the court on the notice filed by defendant/counter-plaintiff/third-party plaintiff Leggett & Platt, Inc. (“Leggett”), dismissing its third-party complaint against Xymid, LLC (“Xymid”).<sup>1</sup> Xymid has neither answered the third-party complaint nor filed a motion for summary judgment. Accordingly, it is ORDERED that all claims asserted in Leggett’s third-party complaint against Xymid are DISMISSED with prejudice.

The case also is before the court on the “Joint Motion to Dismiss with Prejudice” filed by Leggett and plaintiff/counter-defendant Homtex, Inc. (“Homtex”).<sup>2</sup> Homtex and Leggett state that they have reached a settlement of all claims asserted in this action, including all original claims and all counterclaims.

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<sup>1</sup> Doc. no. 75.

<sup>2</sup> Doc. no. 74.

Upon consideration, the joint motion to dismiss is GRANTED, and it is ORDERED that all claims and counterclaims between Homtex and Leggett are DISMISSED with prejudice.

As this order resolves all remaining claims in this action, the Clerk is directed to close this file. Costs are taxed as paid.

DONE this 17th day of September, 2012.

A handwritten signature in black ink, appearing to read "Lynwood Smith". The signature is written in a cursive, flowing style. The first name "Lynwood" is written with a large, looped 'L' and the last name "Smith" is written with a large, looped 'S'. The signature is positioned above a horizontal line.

United States District Judge